

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-13, 15-21, and 23-24 are currently pending in the application. Claims 14 and 22 have been cancelled. Claims 1-13, 15, and 19 have been amended. Claims 1, 15 and 19 are independent claims.

Claim Rejection Under 35 U.S.C. 103

Claims 1-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,089,208 B1 to Levchin et al. ("**Levchin**"). Applicants respectfully request withdrawal of the obviousness rejection because the amended claims overcome the rejection.

Claim 1:

Missing Limitation: "second stored value fund is a temporary stored value fund"

Claim 1 requires that the second stored value fund is a temporary stored value fund. Levchin does not mention temporary stored value funds. Levchin requires a user to register and create a permanent account. Indeed, Levchin states:

In state 212, however, USER2 is unregistered at the time of the transaction with USER1 and therefore may be required to register before the transaction can be closed, particularly if the value is to be transferred from USER2 to USER1. By registering with the system, USER2 may receive or submit the transaction value using virtually any normal means for conveying value (e.g., credit card, check, debit card, electronic funds transfer). However, in one alternative embodiment of the invention USER2 may not be required to register. In particular, in this alternative embodiment she may be able to make a one-time payment to or withdrawal from the system (e.g., with a credit card or check). Levchin, col. 11, lines 15-27.

Levchin does not create a temporary account for the user. Rather, Levchin allows a one-time withdrawal. There is no mention of how or from where the withdrawal would take place. Presumably, the system of Levchin would provide the funds directly from the other user's

account. Indeed, nowhere in Levchin is there any mention of a temporary stored value account. All accounts in Levchin are permanent as suggested by the registration requirement to create an account.

The temporary stored value fund of claim 1 provides several advantages. The temporary stored value fund could accept the transfer immediately while holding the monies for the second user for a longer period of time. As such, the first user's account would be updated with the withdrawal even during the period when the second user has yet to take possession of the funds. Levchin would not update USER1's account until after USER2 withdrew the money. As such, USER1 could become confused and believe more money is available in the fund than what has been committed. Thus, Levchin almost requires the users to maintain and resolve a ledger for their accounts.

At least for this reason, claim 1 is allowable over the cited art.

Claims 2-14:

Claims 2-14 all depend from allowable claim 1. Therefore, claims 2-14 are allowable over the cited art due, at least in part, to this dependence on an allowable independent claim.

Claim 15:

Missing Limitation: "wherein the trigger condition is a periodic transfer and a period of time for the periodic transfer expires"

Claim 1 requires that the transfer occurs upon a trigger condition and "the trigger condition is a periodic transfer and a period of time for the periodic transfer expires." Examiner has cited Levchin as teaching transfers upon conditions. Office Action, p. 6. The cited section of Levchin is as follows:

Financial server 108 is configured to interface with one or more financial institutions, which may, in one embodiment of the invention, be external to the system. Thus, the financial server may interact with credit card companies, banks (including traditional and online banks) and other entities that handle or process value in suitable forms; in particular, the financial server may be configured to transfer funds through the ACH (Automated Clearing House). Financial server 108 may be configured to automatically generate a charge or credit to a user's account with an external financial institution when the user's system account

balance falls below or rises above a predetermined threshold. Further, the external value that the system can access for a user through financial server 108 may affect the number of transactions that the user can conduct or the amount of value in a transaction. Levchin, col. 5, line 55 – col. 6, line 3.

Levchin does not describe a periodic trigger. Indeed, Levchin may make a transfer upon a condition but that condition does not include a repeated period of time having some frequency. There is not mention in Levchin of a periodic transfer. Transfers in Levchin are one time occurrences.

The trigger condition of claim 15 provides advantages. The trigger condition allows a user to provide funds when the funds are available. For example, a user can transfer funds at the same frequency as when the user is paid. Then, the user can ensure available funds for transfers and purchases. The consistently available funds may encourage the user to purchase more often.

At least for this reason, claim 15 is allowable over the cited art.

Claims 16-18:

Claims 16-18 all depend from allowable claim 15. Therefore, claims 16-18 are allowable over the cited art due, at least in part, to this dependence on an allowable independent claim.

Claims 19:

Claims 19 includes similar limitations as those mention with both claim 1 and claim 15. Therefore, for the same or similar reasons, claim 19 is also allowable over the cited art.

Claims 20-21 and 23-24:

Claims 20-21 and 23-24 all depend from allowable claim 19. Therefore, claims 20-21 and 23-24 are allowable over the cited art due, at least in part, to this dependence on an allowable independent claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed herein. Rather, Applicants believe that all arguments and rejections are addressed by the amendments and arguments presented herein.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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